

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE:— There is one Extraordinary issue to the Official Gazette, Series II No. 4 dated 27-5-95 namely Extraordinary dated 2-5-95 from pages 41 to 42 regarding Notifications from Revenue Department and (Office of the Collector North Goa District, Panaji).

GOVERNMENT OF GOA

Department of Personnel

Order

No. 7/1/92-PER (PF)

On the recommendation of the Departmental Promotion Committee conveyed by Goa Public Service Commission vide their letter No. COM/II/11/28(1)/94 dated 4-4-1995, the Government is pleased to promote Shri R. S. Mardolkar, Deputy Labour Commissioner to the post of Commissioner of Labour, Group 'A' Gazetted post in the pay scale of Rs 3000-100-3500-125-4500 on regular basis with immediate effect.

Shri R. S. Mardolkar shall be on probation for a period of two years.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Personnel).

Panaji, 13th April, 1995.

Irrigation Department

Order

No. 3/22-1/89-IRRG

In partial modification of Government Order No. 3/22-1/89-IRRG-PART dated 13th March, 1995, the Government is pleased to order with immediate effect transfers and postings of the following Executive Engineers/Surveyor of Works of Irrigation Department as indicated below:—

| Sr. No. | Name of Officer and present posting | Posted on transfer |
|---------|---|---|
| 1 | 2 | 3 |
| 1. | Shri S. T. Nadkarni, S. W., Executive Engineer, C. P. O. Panaji. | Executive Engineer, Works Division I, Panaji. |
| 3. | Shri S. Paramsinvam, Executive Engineer, Works Division VIII, Mulgao. | Executive Engineer, Works Division V, Kerim-Satari. |
| 3. | Shri S. Paramsinvam, Executive Engineer, Works Division VII, Mapusa. | Executive Engineer, Works Division VIII, Mulgao. |

| 1 | 2 | 3 |
|-----|---|--|
| 4. | Shri V. O. Madhavaunni, Executive Engineer, Works Division XV, Sanquelim. | Executive Engineer, Works Division VII, Mapusa. |
| 5. | Shri P. J. Bhobe, Executive Engineer, Works Division V, Kerim-Satari. | S. W., C. P. O., Panaji. |
| 6. | Shri A. S. Salelkar, Executive Engineer, Works Division I, Panaji. | Executive Engineer, Works Division II, Margao. |
| 7. | Shri S. H. Kutty, Executive Engineer, Works Division XIV, Margao. | S. W. Circle I, Panaji. |
| 8. | Shri V. V. Joshi, S. W. Circle I, Panaji. | Executive Engineer, Works Division XIV, Margao. |
| 9. | Shri R. R. Sohani, Executive Engineer, Soil Conservation, Agriculture Department on deputation. | Cost Analyst, Cost Control Cell, Porvorim. |
| 10. | Shri A. A. Kulkarni, Cost Analyst, Cost Control Cell, Porvorim. | Executive Engineer, Soil Conservation, Agriculture Department on deputation. |
| 11. | Shri V. U. P. Gaitonde, Executive Engineer, Works Division XIII, Quepem. | Executive Engineer, Works Division X, Sanguem. |
| 12. | Shri A. S. Rane, Executive Engineer, Works Division X, Sanguem. | Executive Engineer, Works Division XIII, Quepem. |
| 13. | Shri A. K. Eapen, Works Division II, Margao. | Executive Engineer, Works Division XI, Margao. |
| 14. | Shri P. B. Purohit, Executive Engineer, Works Division XI, Margao. | Executive Engineer, Works Division XV, Sanquelim. |

The deployment of Shri A. A. Kulkarni, Executive Engineer, Soil Conservation Cell, Agriculture Department will be on deputation which will be governed by standard terms of deputation as contained in Office Memorandum No. 13/4/74-PER dated 10-10-1990 from Department of Personnel Secretariat, Panaji.

The term of deputation of Shri R. R. Sohani, Executive Engineer, Soil Conservation, Agriculture Department is curtailed with effect from the date of his relief.

All the transferees should join their new posting immediately and for this purpose, Chief Engineer (Irrigation) shall make necessary arrangements.

This order takes immediate effect.

By order and in the name of the Governor of Goa.

R. T. Khorjuvekar, Under Secretary (Irrigation).

Panaji, 18th April, 1995.

Department of Cooperation

Office of the Registrar of Coop. Societies

Order

No. 1-3-71/EST(B)

Government is pleased to promote on ad-hoc basis Shri V. R. Ghaisas, Special Auditor/Coop. Officer in the office of the Registrar of Cooperative Societies, Govt. of Goa, to the post of Assistant Registrar Coop. Societies (Group 'B' Gazetted) in the pay scale of Rs. 2000-3500 and to post him as the Asstt. Registrar Coop. Societies, Head Office, Panaji from the date of taking over the charge.

The appointment is for a period of 6 months and purely on ad-hoc basis and it will not bestow on the appointee any claim for regular appointment/promotion to the higher post and seniority.

By order and in the name of the Governor of Goa.

S. S. Byah, Registrar of Coop. Societies and Ex-officio Joint Secretary.

Panaji, 18th April, 1995.

Transport Department

Addendum

No. 5/25/89-Tpt (Part file),

Read:— Government Notification No. 5/25/89-Tpt (Part file) dated 1-9-94.

The following para may be added to the Government Notification No. 5/25/89-Tpt. (Part file) dated 1-9-94 referred to above, as concluding para and read as:—

"The non-official members will be entitled to claim TA/DA as admissible for attending the meetings of State Transport Authority."

By order and in the name of the Governor Goa.

Celina Dias e Caldeira, Under Secretary (Transport).

Panaji, 10th March, 1995.

Revenue Department

Notification

No. 22/34/95-RD

Whereas it appears to the Government of Goa (herein after referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. construction of Panchayat Ghar cum Community Centre at V. P. Bastora.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication

of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Deputy Collector and S. D. O., Mapusa, Bardez, Goa to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Deputy Collector/SDO, Mapusa, Bardez, Goa.
3. The Block Development Officer, Mapusa, Bardez, Goa.
4. The Director of Settlement & Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Deputy Collector/SDO, Mapusa, Bardez, Goa for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Bardez

Village: Bastora

| Survey No./ Sub. Div. No. | Name of the person believed to be interested | Approximate area in sq. mts. |
|------------------------------|---|------------------------------------|
| 1 | 2 | 3 |
| 13/5 part | O: Virginia Luciana Pinto e Souza. | 600 |
| <i>Boundaries:</i> | | |
| North: S. No. 13/8. | | |
| South: Road. | | |
| East: S. No. 12/8. | | |
| West: S. No. 13/5. | | |
| Total | | 600 |

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Revenue).

Panaji, 3rd May, 1995.

Department of Labour

Order

No. 23/52/91-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Dispute Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Labour).

Panaji, 31st October, 1991.

IN THE INDUSTRIAL TRIBUNAL, GOVERNMENT OF GOA
AT PANAJI

(Before Shri M. A. Dhavale, Hon'ble Presiding Officer)

Ref. No. IT/60/82

Workmen — Party I/Workmen

V/s.

M/s. City Beverages. — Party II/Employer.

Workman represented by Shri Subhas Naik.

Employer represented by Adv. B. G. Kamat.

Panaji, dated 7-10-1991.

A W A R D

In exercise of the powers conferred by sub. clause (d) of Sub. S. (1) of S. 10 of the Industrial Disputes Act, 1947 the Lieutenant Governor of Goa, Daman and Diu by his order No. 28/20/82-ILD dated 12th Nov., 1982 has referred the following issue for adjudication by this Tribunal.

SCHEDULE

"Whether the demands of the workmen of M/s. City Beverages, Comba, Margao, Salcete-Goa, represented through the Oxygen and Aerated Water Workers Union, Ariem, Raia, Margao, Salcete, Goa, as enlisted in the Annexure appended hereto to be effective from 1-1-1982 are justified?"

If so, to what relief the workmen are entitled to under each heads of demands?"

The Annexure appended to the reference lays down as many as 12 demands made by the workmen which includes (1) Fixation of pay scale, (2) Fixed Dearness Allowance, (3) Variable Dearness Allowance, (4) House Rent Allowance, (5) Medical Allowances, (6) Shift Allowance, (7) Loan Facility, (8) Leave, (9) Uniforms, (10) Uniform to be Laundered/Washing Allowance, (11) Rest Rooms and (12) Supplementary Demands.

2. On receipt of this reference, case at IT No. 60/82 was registered and notices were issued to both the parties, in response to which they appeared before this Tribunal and submitted their pleadings. However, the pleadings of the parties need not be reproduced in extenso in so far as, at the late stage of the proceedings, the parties have arrived at a compromise and hence I think that only a few facts need be stated to find out whether the compromise and the concessions made by the employer should be accepted in proof of the fact that the above referred demands made by the workers are just and reasonable.

3. Party II-M/s. City Beverages, Comba, Margao, Goa, (hereinafter called as the 'employer') is a Private Company incorporated in Goa under the Companies Act. It was started by one Cruz Fernandes somewhere in the year 1961. The company started dealing with the product of beverages like Orange, Mangola, Ginger, Lime and Soda etc. This was the first company which started production of beverages and Aerated waters after the liberation of Goa. Somewhere in the year 1976 Mr. Cruz Fernandes sold the said company to the house of Govind Poy which is a family in Margao traditionally carrying on petty trade. It has been alleged that after his company was taken over by Govind Poy, he started exploiting the situation by engaging labourers and workers on small scale. It is the say of the workmen that the said Company did not give even the minimum wages as laid down by the existing law. The conditions of service in the company were totally unreasonable and there was no gradation of skilled and unskilled workers. The pay scales ranged from Rs. 280/- to Rs. 415/- consolidated per month. There was no provision for any incentive at all though the factory itself was making huge profits. A large number of workers serving in this company have not also been given appointment letters still less confirmation letters. Hence, the workers have given a list of similar companies and have tried to compare the amenities given by the said companies to their workers. Thereafter they have laid down what would be the reasonable pay scales and other amenities which should be afforded to the workmen.

4. Hence, the workmen's union took up the cause of the workmen and made a charter of demands. However, since there was no settlement the Government was required to refer this dispute to this Tribunal for considering whether the 12 demands made by the workers are reasonable and just.

5. Party II-Employer by his written statement resisted the workmen's claim on several grounds and one of the main contentions taken by the employer is in substance to the effect that although 18 workers were employed by this Company, still the company has been closed from 1st April, 1982 and the employment in all categories in the said establishment ceased on from 1st April, 1982 on account of termination of services of all the workmen from 1-4-82. Hence it has been contended that several demands now made by the workmen survive for adjudication by this Tribunal and hence they are not entitled to any relief whatsoever.

6. Thereafter the workmen-Party I filed rejoinder after which the necessary issues were framed and the parties led their oral evidence. However, thereafter on 16th May, 1989 Party II-Employer submitted an application stating therein that the establishment M/s City Beverages had been closed from 1-4-82 and hence it has been categorically stated thus:

"Under the circumstances, Party No. II has no objection for allowing the reference or to pass such other order as may be deemed fit by the Hon'ble Tribunal."

7. In view of the above referred application the matter was posted for arguments and accordingly, Party I has filed written arguments urging therein that in so far as the employer had submitted an application dated 16th May, 1989 saying that party II has no objection in allowing the reference in favour of the workmen. This Tribunal should be pleased to allow the reference without going into the merits of the dispute. It has been also fairly stated on behalf of the workmen that although Party I has closed his establishment still the workmen may get some relief from 1-1-1982 to 1-4-82 and hence it has been further argued that Party II does not mind giving this small relief and hence they have honestly moved an application dated 16th May, 1989.

8. In view of the aforesaid state of affairs, it follows that the issue referred to this Tribunal will have to be answered in affirmative and award will have to be passed directing Party II to give the benefits of the demands only for a period of 3 months commencing from 1-1-82 to 1-4-82.

I, therefore pass the following order:

ORDER

It is hereby declared that the following demands made by the workmen of M/s City Beverages, Comba, Margao, Goa are just and reasonable and hence Party II-M/s City Beverages, is directed to give the benefit of the following demands to the workmen only for a period of 3 months commencing from 1-1-1982 to 1-4-1982.

DEMANDS

Demand No. 1. **Fixation of Pay Scale:** That the following Grades and Scales be fixed and the categorisation as earmarked against each Grade be agreed to:

I Unskilled Grade: Rs. 150-8-190-10-240-12-300. Majdoor, Labour, Sweeper & Watchman.

II Semi Skilled Grade: Rs. 200-10-250-12-310-14-380. Helper and Assistant.

III Skilled Grade: Rs. 300-12-360-14-430-16-510. Fitter and Operator.

Demand No. 2. **Dearness Allowance:** 50% of the basic pay.

Demand No. 3. **V.D.A. (Variable Dearness Allowance):** A Variable Dearness Allowance (V.D.A.) shall be paid at the rate of Rs. 130 (Rupee one and paise thirty only) per point rise taking the base year month of January, 1976 at 298 points at (1960-100) Index figures.

Demand No. 4. **House Rent Allowance:** Each worker shall received a House Rent Allowance (H.R.A.) at the rate of 15% of the basic salary.

Demand No. 5. **Medical Allowances:** Each workman shall be paid 'Medical Allowance' of Rs. 26/- (Rupees twenty six only) per month.

Demand No. 6. Shift Allowance: Shift Allowance of Rs. 2/- (Rupees two only) for the second and third shifts.

Demand No. 7. Loan facility: Loan facility upto Rs. 5,000/- (Rupees five thousand only) per worker to be repaid in 40 instalments.

Demand No. 8. Leave: The union demands that the worker should be eligible for 13 days of paid festival holidays; privilege leave for 30 days; 10 days of sick leave; and casual leave of 10 days.

Demand No. 9. Uniforms: Each worker shall be provided with 3 sets of Uniforms per year.

Demand No. 10. Uniform to be Laundered/Washing allowances: All the uniforms worn by the workers shall be laundered by the Company twice a week, failing which, each worker shall be paid a monthly washing allowance of Rs. 20/- (Rupees twenty only) p. m.

Demand No. 11. Rest Rooms: The workers in the concern should be provided with well furnished rest rooms.

No order as to costs. Inform the Government accordingly.

Sd/-

(M. A. Dhavale)
Presiding Officer
Industrial Tribunal

Notification

No. 23/18-LAB-Part I

Government is pleased to bring the Office of the Director, State Director of Craftsman Training, Panaji under the control of the Commissioner of Labour, Panaji with immediate effect.

By order and in the name of the Governor of Goa.

F. O. D'Costa, Under Secretary (Labour).

Panaji, 6th April, 1995.

Corrigendum

No. 2/1-2/93-HSG

Read: Government Order No. 2/1-2/93-HSG dated 6-3-1991.

The name of Shri Gopal Chodankar appearing at Sr. No. 7 of the above referred Government order may be read as "Shri Bhupal Naguesh Chodankar".

By order and in the name of the Governor of Goa.

F. O. D'Costa, Under Secretary (Housing).

Panaji, 3rd April, 1995.

Law (Establishment) Department

State Election Commission

Notification

No. SEC/MUN/ELN/22/95-96/28

In exercise of the powers vested in me under Sub Rule 1 of Rule 5 of Goa Municipalities (Election) Rules, 1969, I, Smt. Geeta Sagar, I.A.S. Commissioner, State Election Commission, Panaji hereby appoint the Mamlatdars of respective Talukas at Column 3 as Returning Officers for the ensuing General Municipal Election, to the Municipal Councils indicated against Column No. 2.

Further in exercise of the power under Sub Rule 2(a) of Rule 5 of said Rules appoint the Aval Karkuns of Mamlatdar Office at Column No. 4 as Asstt. Returning Officers in respect of Municipal Councils indicated against Column No. 2

| Sr. No. | Name of Municipal Council | Name of Mamlatdar as R. O. | Name of Aval Karkun as A. R. O. |
|---------|------------------------------------|----------------------------|---|
| 1 | 2 | 3 | 4 |
| 1. | Pernem Municipal Council | Mamlatdar of Pernem | Aval Karkun of Mamlatdar Office, Pernem |
| 2. | Mapusa Municipal Council | Mamlatdar of Bardez | Aval Karkun of Mamlatdar Office, Bardez |
| 3. | Bicholim Municipal Council | Mamlatdar of Bicholim | Aval Karkun of Mamlatdar Office, Bicholim |
| 4. | Valpoi Municipal Council | Mamlatdar of Satari | Aval Karkun of Mamlatdar Office, Satari |
| 5. | Mormugao Municipal Council | Mamlatdar of Mormugao | Aval Karkun of Mamlatdar Office, Mormugao |
| 6. | Margao Municipal Council | Mamlatdar of Salcete | Aval Karkun of Mamlatdar Office, Salcete |
| 7. | Cuncolim Municipal Council | Mamlatdar of Salcete | Aval Karkun of Mamlatdar Office, Salcete |
| 8. | Quepem Municipal Council | Mamlatdar of Quepem | Aval Karkun of Mamlatdar Office, Quepem |
| 9. | Curchorem-Cacora Municipal Council | Mamlatdar of Quepem | Aval Karkun of Mamlatdar Office, Quepem |
| 10. | Sanguem Municipal Council | Mamlatdar of Sanguem | Aval Karkun of Mamlatdar Office, Sanguem |
| 11. | Canacona Municipal Council | Mamlatdar of Canacona | Aval Karkun of Mamlatdar Office, Canacona |

Smt. Geeta Sagar, Commissioner (State Election Commission).

Panaji, 28th April, 1995.